

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

BLACK LOVE RESISTS IN THE RUST )  
BY AND THROUGH ITS CO-DIRECTORS)  
NATASHA SOTO AND SHAKETA REDDEN)  
AND ON BEHALF OF ITS MEMBERS )  
AGENT OF JUST RESISTING, ET AL.)  
(Via Zoom for Government) )  
Case No. 1:18-cv-00719  
(CCR)  
Plaintiffs, )  
vs. ) December 14th, 2020  
CITY OF BUFFALO, N.Y., ET AL. )  
(Via Zoom for Government) )  
Defendants. )

**TRANSCRIPT OF STATUS CONFERENCE  
BEFORE THE HONORABLE CHRISTINA CLARE REISS  
UNITED STATES MAGISTRATE JUDGE**

APPEARANCES:

For the Plaintiffs: NATIONAL CENTER FOR LAW AND  
ECONOMIC JUSTICE  
BY: DARIUS CHARNEY, ESQ.  
CLAUDIA WILNER, ESQ.  
275 7th Avenue, Suite 1506  
New York, NY 10001  
(Via Zoom for Government)  
COVINGTON & BURLING, LLP  
BY: JORDAN SCOTT JOACHIM, ESQ.  
620 Eighth Avenue, Suite 4029  
New York, NY 10018  
For the Defendants: CITY OF BUFFALO DEPARTMENT OF LAW  
BY: ROBERT EMMET QUINN, ESQ.  
65 Niagara Square  
Buffalo, NY 14202  
(Via Zoom for Government)

1 APPEARANCES CONTINUED:

2 Audio Recorder: JANE KELLOGG

3 Transcriber: MEGAN E. PELKA, RPR  
4 Robert H. Jackson US Courthouse  
5 2 Niagara Square  
6 Buffalo, NY 14202  
7 (716) 364-6449

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01:57PM 1 THE CLERK: Your Honor, we're here in the matter of  
01:57PM 2 18-CV-719. This is Black Love Resists in the Rust, et al. v.  
01:57PM 3 The City of Buffalo, et al. This matter is on for a status  
01:57PM 4 conference. Counsel, please state your name and the party you  
01:57PM 5 represent for the record. We'll begin with the plaintiffs.

01:57PM 6 MS. WILNER: Claudia Wilner from the National Center  
01:58PM 7 for Law and Economic Justice for the plaintiffs. Good  
01:58PM 8 morning, Your Honor.

01:58PM 9 THE COURT: Good morning.

01:58PM 10 MR. CHARNEY: Good morning, Your Honor. Darius  
01:58PM 11 Charney from the Center for Constitutional Rights, also for  
01:58PM 12 the plaintiffs.

01:58PM 13 MR. JOACHIM: Jordan Joachim, Covington and Burling,  
01:58PM 14 also for the plaintiffs.

01:58PM 15 MR. QUINN: Is anyone else going to be appearing? If  
01:58PM 16 not, I can note my appearance. Robert Quinn on behalf of the  
01:58PM 17 defendants. Good morning, Judge.

01:58PM 18 THE COURT: Good morning. Does anybody object to the  
01:58PM 19 Court taking up the motion to compel at the status conference?  
01:58PM 20 It wasn't noticed for that, but everything seems to be  
01:58PM 21 directed to that.

01:58PM 22 MR. CHARNEY: Plaintiffs do not have any objection,  
01:58PM 23 Your Honor.

01:58PM 24 MR. QUINN: No objection, Judge.

01:58PM 25 THE COURT: All right. So, I'm going to start in an

01:59PM 1 odd direction, but there's a method to my madness. And first,  
01:59PM 2 start things off on a positive note. You are not my most  
01:59PM 3 contentious case in the Western District of New York. And I  
01:59PM 4 give Mr. Quinn compliments for the duty of candor. So, it's  
01:59PM 5 unusual for an attorney to say, I didn't do this. They  
01:59PM 6 usually provide me with six reasons why they never had to do  
01:59PM 7 it in the first place.

01:59PM 8 So we at least have a fairly clear-cut -- this is what's  
01:59PM 9 been done, this is what has not been done. The explanation  
01:59PM 10 seems to be; one attorney, lots of work, pandemic. So, I'm  
01:59PM 11 not going to spend a lot of time on that, but we have to move  
01:59PM 12 the case forward if we're going to come up with a resolution.

01:59PM 13 Kicking off the low-hanging fruit first, here's what's  
01:59PM 14 going to happen with depositions. I'm going to have  
02:00PM 15 plaintiffs designate 20 to start. Make sure they count. Make  
02:00PM 16 sure that you are picking people that you need to depose. And  
02:00PM 17 then, we're going to circle back and talk about how many more.  
02:00PM 18 I did this in the dairy farmers anti-trust case part II. It  
02:00PM 19 worked to charm because we started out on the same place. I  
02:00PM 20 need 150 depositions. I need to depose everybody and  
02:00PM 21 everybody's organization.

02:00PM 22 Once we got through a chunk, the path forward became much  
02:00PM 23 more clear in that, key players were identified. People who  
02:00PM 24 had no relevant information were moved aside and it worked.  
02:00PM 25 So I am going to order the plaintiffs to come up with a list

02:00PM 1 of 20 people they want to depose and they're going to let  
02:00PM 2 Mr. Quinn know in two weeks. Any reason why two weeks would  
02:00PM 3 not be enough to come up with that first list?

02:00PM 4 MR. JOACHIM: No, Your Honor.

02:00PM 5 THE COURT: Okay. So, the depositions are going to  
02:01PM 6 get under way. I'm going to use the plaintiffs' reply to the  
02:01PM 7 motion to compel as my outline, for lack of a better resource.  
02:01PM 8 I thought it nicely encapsulated where things had shivered out  
02:01PM 9 after the defendants' opposition had been considered.

02:01PM 10 So, the first issue was whether or not you met and  
02:01PM 11 conferred and that the motion is right for resolution. Yes,  
02:01PM 12 you have. It could have been better, but this is not a case  
02:01PM 13 in which plaintiffs have done nothing or a case where the  
02:01PM 14 defendants have done nothing. You are at an impasse. We've  
02:01PM 15 got to move forward and I'm not going to have you go back to  
02:01PM 16 meet and confer, at least as a general proposition. With  
02:01PM 17 regard to certain subjects, we need to have a better hold on  
02:02PM 18 it.

02:02PM 19 The next issue is defendants cannot escape discovery by  
02:02PM 20 refusing to dedicate adequate resources. And I want to hear a  
02:02PM 21 little bit more from Mr. Quinn about what can be done about  
02:02PM 22 this situation, because all of the cases with very few  
02:02PM 23 exceptions seemed to have slowed down if not stopped by the  
02:02PM 24 pandemic. But all of the cases in the interest of justice  
02:02PM 25 need to march on. So what, if anything, can Mr. Quinn offer

02:02PM 1 us in terms of more resources to get this moving?

02:02PM 2 MR. QUINN: Thank you, Judge. Well, we are working  
02:02PM 3 remotely currently. We currently have essentially one office  
02:02PM 4 person in every day. It's a different office person to take  
02:02PM 5 mail in and do things like that. I recognize that plaintiffs  
02:03PM 6 want to move things forward and I totally understand that and  
02:03PM 7 I understand where the Court is coming from, too and we are  
02:03PM 8 doing that. I've been doing my best to try to do all of these  
02:03PM 9 things at once.

02:03PM 10 I will -- I mean, we can do it two ways. We could invest  
02:03PM 11 some type of money in a vendor or something like that or I can  
02:03PM 12 try to see if -- because we do have, I think, three other  
02:03PM 13 attorneys who are admitted to practice in federal court. I  
02:03PM 14 can see if another attorney can come on with me to assist,  
02:03PM 15 specifically with the discovery things.

02:03PM 16 I don't think it would be reasonable to have someone come  
02:03PM 17 up to speed totally on the case and I would still handle it  
02:03PM 18 sort of as I have been, but to do the discovery, I can try to  
02:03PM 19 get another attorney to come on and help me with that. I  
02:03PM 20 think that would expedite things.

02:03PM 21 We are set up to work remotely now. We weren't at the  
02:03PM 22 beginning, but that would be one thing that I could certainly  
02:03PM 23 offer. If the Court wants more, I'll do what I can. As I  
02:04PM 24 sort of tried to indicate in our submission, we're not trying  
02:04PM 25 to delay this. We just have some limitations that I need to

02:04PM 1 work through. And it's no one's fault really, but it is what  
02:04PM 2 it is and I can't -- I can only do one thing at a time, but we  
02:04PM 3 can try to bring on another attorney if that would help  
02:04PM 4 things.

02:04PM 5 THE COURT: All right. So, you will find in the  
02:04PM 6 course of this case that I'm quite a pushy person, but also  
02:04PM 7 pragmatic. So, some of these tasks are ministerial, would you  
02:04PM 8 agree with me?

02:04PM 9 MR. QUINN: Yes.

02:04PM 10 THE COURT: All right. So, I would like you to  
02:04PM 11 investigate interns, paralegals, law students that don't have  
02:04PM 12 employment and are looking for it and I want you to look for  
02:04PM 13 an outside vendor or another attorney to bring on and I want  
02:04PM 14 you to do that within the next two weeks. Any reason why you  
02:04PM 15 can't do that and report to the plaintiffs and the Court about  
02:05PM 16 how that worked out?

02:05PM 17 MR. QUINN: No reason, Judge. We will do that.

02:05PM 18 THE COURT: The next issue that I want to talk to you  
02:05PM 19 about is the December 2019 order. And there's a number of  
02:05PM 20 different issues that are in the mix and I'm going to try to  
02:05PM 21 cover each of them and you're going to let me know if I missed  
02:05PM 22 out.

02:05PM 23 Let's talk about the ESI documents. And there has been  
02:05PM 24 some production. I'm glad to see the plaintiffs have been  
02:05PM 25 reasonable and agreed that the metadata doesn't need to be

02:05PM 1 produced contemporaneously, but they don't want to wait until  
02:05PM 2 the end of the production for the metadata. And I'm going to  
02:05PM 3 start with plaintiffs as to a pragmatic, reasonable suggestion  
02:05PM 4 as to how we can move this along.

02:06PM 5 In other cases -- I have, for example, a Mega-FOIA case.  
02:06PM 6 And we set a benchmark, okay? You've got to have five pages  
02:06PM 7 every month. That's what you have to do. And it seems  
02:06PM 8 nonsensical, but it actually works to just say yeah, every  
02:06PM 9 month you have to be producing this many pages, this many  
02:06PM 10 hits, you've got to have this progress report. So, let's hear  
02:06PM 11 from plaintiffs on that.

02:06PM 12 MR. JOACHIM: Your Honor, that makes sense to us. I  
02:06PM 13 mean, I think the problem so far has been that the productions  
02:06PM 14 have been sporadic. There will be, you know, a certain few  
02:06PM 15 weeks where we're getting productions every few days, which is  
02:06PM 16 okay, but then there will be a month or two months where we  
02:06PM 17 just don't get anything, including in the last three weeks in  
02:06PM 18 fact, we haven't gotten any ESI productions. So, I think a  
02:06PM 19 benchmark that sort of keeps the flow going would make sense  
02:07PM 20 to us.

02:07PM 21 THE COURT: Would you like to recommend what you  
02:07PM 22 think is a reasonable benchmark?

02:07PM 23 MR. JOACHIM: I might -- if you wouldn't mind, I  
02:07PM 24 might take the time to consult with my colleagues about that,  
02:07PM 25 just because I think we need to think about, you know, what



02:07PM 1 sort of magnitude of page count or document count would sort  
02:07PM 2 of make sense in this case.

02:07PM 3 THE COURT: Or a custodian.

02:07PM 4 MR. JOACHIM: Or a custodian, correct.

02:07PM 5 THE COURT: Can you have that conversation in two  
02:07PM 6 weeks and come up with a proposal that you will vet with  
02:07PM 7 Mr. Quinn first and if you can't agree to, you can propose to  
02:07PM 8 the Court?

02:07PM 9 MR. JOACHIM: Yes.

02:07PM 10 THE COURT: Okay. And if -- Mr. Quinn, if you don't  
02:07PM 11 like their benchmark, you be thinking about what benchmark you  
02:07PM 12 could actually reasonably accomplish, because if I set a  
02:07PM 13 benchmark, I do expect it to be met.

02:07PM 14 MR. QUINN: That will be fine, Judge. And we sort of  
02:07PM 15 do that both at the same time because it might depend a little  
02:07PM 16 bit on, you know, who we can bring in to help.

02:08PM 17 THE COURT: Okay. I don't think there's anything  
02:08PM 18 else about the ESI that I can say that would be of assistance,  
02:08PM 19 but I'm happy to hear otherwise. Anything else on ESI?

02:08PM 20 MR. JOACHIM: I don't think so from plaintiffs.

02:08PM 21 MR. QUINN: Nothing from me, Judge.

02:08PM 22 THE COURT: All right. The next issue is the IAD  
02:08PM 23 files. And there is the issue of whether or not some of these  
02:08PM 24 files have been destroyed. And I'm kind of at a loss as to  
02:08PM 25 what the situation is. So, I'm reading on Document 68, page

02:08PM 1 7, which is actually page 5 of the reply and it states as  
02:08PM 2 following: "Beyond that troubling admission that certain IAD  
02:09PM 3 files were previously destroyed per record retention policies,  
02:09PM 4 plaintiffs offer little in the way of explanation for their  
02:09PM 5 failure to comply with the Court's December 2019 order  
02:09PM 6 considering IAD files." I assume that's a typo and that's  
02:09PM 7 supposed to say defendants, correct?

02:09PM 8 MR. QUINN: Yes, Your Honor.

02:09PM 9 THE COURT: And then, for example, defendants do not  
02:09PM 10 explain who destroyed the IAD files or when. The record  
02:09PM 11 retention policies themselves are phantoms that defendants  
02:09PM 12 refuse to locate and produce when plaintiffs first asked for  
02:09PM 13 them eight months ago. Defendants do not explain how it's  
02:09PM 14 possible that the Internal Affairs Division only kept the  
02:09PM 15 files in paper copies.

02:09PM 16 Defendants searched the contents of the file  
02:09PM 17 electronically using the IAPro System in July 2019, nor have  
02:09PM 18 defendants produced the full IAPro records for the relevant  
02:10PM 19 complaints. Disturbingly, defendants do not explain how the  
02:10PM 20 three IAD files, which were created after the complaint in  
02:10PM 21 this action was filed, could have been destroyed. And  
02:10PM 22 tellingly, defendants do not assert that they took any steps  
02:10PM 23 to preserve these clearly relevant files as required by the  
02:10PM 24 federal rules.

02:10PM 25 I don't think this is premature and I think we are at the

02:10PM 1 point where a declaration that may create an adverse inference  
02:10PM 2 at trial is where we end up. These are the document retention  
02:10PM 3 policies. This is what happened to X, Y and Z file. This is  
02:10PM 4 what we have. Because it's time to nail down the facts on  
02:10PM 5 this particular subject matter. So, I'm going to start with  
02:10PM 6 the defendant and then, we'll move to the plaintiff.

02:10PM 7 MR. QUINN: I agree, Judge. And we do recognize the  
02:11PM 8 issues on this specific issue. The -- with respect to what  
02:11PM 9 has been produced, it's everything that we still have. We got  
02:11PM 10 the order. We produced all of the records that we still had.  
02:11PM 11 The other ones had previously been destroyed.

02:11PM 12 As to the dates of those destructions, I don't have any  
02:11PM 13 records which say this is the date that it was destroyed, this  
02:11PM 14 is the date that it was per record retention policies  
02:11PM 15 destroyed. That could be done through testimony or  
02:11PM 16 declaration and we would be happy to do that. It's not  
02:11PM 17 something I did, but we could take efforts to get information  
02:11PM 18 and explanations as to those dates.

02:11PM 19 The papers -- as to the specifics, the files themselves,  
02:11PM 20 so you know, the investigation, the statements, all of the  
02:11PM 21 documents are kept only on paper form. We do have an IAPro  
02:12PM 22 System which keeps track and that's how we were able to do the  
02:12PM 23 search and identify the particular files. We did that all,  
02:12PM 24 you know, sort of in good faith to try to move things forward  
02:12PM 25 and get through that specific issue, but the files themselves

02:12PM 1 were not ever scanned or kept electronically, so they did not  
02:12PM 2 make it into like, a PDF form. But the paper copies we  
02:12PM 3 scanned, we provided in accordance with the Judge's order. We  
02:12PM 4 just don't have anything else to give.

02:12PM 5 As to the record retention, I'm just still a little  
02:12PM 6 unclear from our perspective and that absolutely has been  
02:12PM 7 impacted by the COVID. The police department, specifically  
02:12PM 8 like the staff, doesn't work in the buildings and no one is  
02:12PM 9 allowed in the buildings currently. But we can, if the Judge  
02:12PM 10 thinks this is right, we can investigate those things and  
02:12PM 11 provide a further and complete explanation as to what  
02:12PM 12 happened, when it happened and why it happened, basically in  
02:13PM 13 whatever time period the Court feels is appropriate.

02:13PM 14 THE COURT: All right. Because there is an answer to  
02:13PM 15 that question. You don't just destroy a file. Either you  
02:13PM 16 hope you have some kind of document destruction policy or you  
02:13PM 17 do it on a scheduled basis, but somebody doesn't just walk  
02:13PM 18 into your office and say, today I'm going to, you know,  
02:13PM 19 destroy a couple files. So -- and I don't think it's a  
02:13PM 20 complicated question, either. Okay. All right.

02:13PM 21 So. I'm thinking in the way of a declaration and I  
02:13PM 22 started out complimenting Mr. Quinn's candor. So, I expect a  
02:13PM 23 black/white, to-the-point description of what happened. And  
02:13PM 24 if it creates an adverse inference, so be it. It would be  
02:14PM 25 better to get the documents, but I'm hearing from Mr. Quinn

02:14PM 1 that plaintiffs have everything that the defendants actually  
02:14PM 2 still possess. So, let's hear from the plaintiffs.

02:14PM 3 MR. CHARNEY: Thank you, Your Honor. We agree that a  
02:14PM 4 declaration is the best way forward at this point. I think we  
02:14PM 5 would just want to make sure that the declaration does either  
02:14PM 6 attach or specifically articulate what the department's  
02:14PM 7 document retention policy is, because that's something that  
02:14PM 8 we've -- as you've noted, we've been asking for a long time  
02:14PM 9 and really don't understand.

02:14PM 10 You know, we're confused, I think, because as Your Honor  
02:14PM 11 probably saw, we attached it as an exhibit to our motion.  
02:14PM 12 We're having a hard time figuring out, you know, why some  
02:14PM 13 files from particular years were destroyed, but other files  
02:14PM 14 from the same years weren't. So, really getting a sense of,  
02:14PM 15 you know, what that policy is and what the rules are I think  
02:14PM 16 is really critical as well. So, we want to make sure that  
02:15PM 17 that is in the declaration, but we absolutely agree that a  
02:15PM 18 declaration is the best option at this point.

02:15PM 19 THE COURT: All right. So, here's what's going to  
02:15PM 20 happen next. Plaintiffs are going to, in 14 days, come up  
02:26PM 21 with the subject matters on which you are looking for a  
02:26PM 22 declaration. That gets the Court out of coming up with things  
02:27PM 23 that you then find insufficient. In Vermont, and I'm sure  
02:27PM 24 elsewhere, we have a phrase, "Pigs get fat and hogs get  
02:27PM 25 slaughtered".

02:27PM 1 So, I don't want you to be asking for the kitchen sink. I  
02:27PM 2 want you to be reasonable. And then I want you to give it to  
02:27PM 3 Mr. Quinn. If he doesn't have any problems with it, Mr. Quinn  
02:27PM 4 I will give you then 30 days after you get that to produce a  
02:27PM 5 declaration. And obviously, it's going to be difficult to  
02:27PM 6 forecast this is enough time, but I'm thinking 14 days to come  
02:27PM 7 up with a list, 30 days to answer it should be sufficient.  
02:27PM 8 Any concern about that, Mr. Quinn?

02:27PM 9 MR. QUINN: No, Judge.

02:27PM 10 THE COURT: Okay.

02:27PM 11 MR. CHARNEY: Your Honor, could I just ask one  
02:27PM 12 question in terms of process? So assuming, you know,  
02:27PM 13 obviously if Mr. Quinn is okay with the subject matters, you  
02:28PM 14 know, we can proceed. I guess my question is, if he does not  
02:28PM 15 agree, if he thinks, for example, we've gone too broad or have  
02:28PM 16 asked for the kitchen sink and we're unable to work that out,  
02:28PM 17 should we --

02:28PM 18 THE COURT: Come to me. Come see me.

02:28PM 19 MR. CHARNEY: Okay.

02:28PM 20 THE COURT: I will know what the kitchen sink looks  
02:28PM 21 like, having seen it many times. So --

02:28PM 22 MR. CHARNEY: Understood. Thank you, Your Honor.

02:28PM 23 THE COURT: Defendants' objections to plaintiffs'  
02:28PM 24 other discovery requests, monthly and daily reports. This was  
02:28PM 25 narrowed to monthly Housing Unit reports for January 1, 2018

02:28PM 1 to the present. The first page is a Housing Unit and Strike  
02:28PM 2 Force details report from January 1, 2013 to the present and  
02:28PM 3 the narratives for 36 Strike Force daily reports and the  
02:28PM 4 defendants' response is that they don't think this is  
02:29PM 5 discoverable, but they're willing to engage in discussions.

02:29PM 6 So, this strikes the Court as within the scope of  
02:29PM 7 discovery and it also strikes the Court as something that  
02:29PM 8 could be ministerial so that it wouldn't take an attorney to  
02:29PM 9 find out whether this exists. Somebody who knows where to  
02:29PM 10 look could pull this up and it wouldn't be a deliberative  
02:29PM 11 process. It is either something that exists or doesn't exist.  
02:29PM 12 I may be oversimplifying what's at issue and I'm going to  
02:29PM 13 start with plaintiffs this time.

02:29PM 14 MR. CHARNEY: Your Honor, we absolutely agree that  
02:29PM 15 this information is discoverable and I think I would agree  
02:29PM 16 that there really isn't any deliberative process that has to  
02:29PM 17 happen about whether to turn them over.

02:29PM 18 I think the one question we have -- and this is one of the  
02:30PM 19 questions we raised with Mr. Quinn and have not yet had  
02:30PM 20 answered is -- there is sort of a technological hurdle here in  
02:30PM 21 that the previous samples of the first pages of those daily  
02:30PM 22 reports we received were printed or produced in a format where  
02:30PM 23 part of the page was cut off and Mr. Quinn has indicated he's  
02:30PM 24 still trying to figure out how to cure that formatting issue.  
02:30PM 25 We have not heard yet if there is a solution, but I think

02:30PM 1 that's really the only kind of hurdle to production but  
02:30PM 2 otherwise, I think we agree that, you know, it's just a matter  
02:30PM 3 of locating the documents and producing them.

02:30PM 4 THE COURT: Mr. Quinn, let's hear from you on this  
02:30PM 5 issue.

02:30PM 6 MR. QUINN: This is one of the issues that we were  
02:30PM 7 really trying to work through. And you know, this is really  
02:30PM 8 the genesis of the premature argument, because I think we are  
02:30PM 9 largely in agreement on a lot of this stuff.

02:30PM 10 The one slight disagreement, some of this would have to be  
02:30PM 11 redacted, but then it would be a little bit more than  
02:30PM 12 ministerial because they -- it very much is -- like the  
02:31PM 13 monthly reports contain, you know, information about crimes  
02:31PM 14 and individuals and all those other things and I think we did  
02:31PM 15 pretty much get to a place where we could agree on the  
02:31PM 16 redactions. It just would be a little more than a ministerial  
02:31PM 17 act and we still are willing to agree --

02:31PM 18 THE COURT: Let me stop you. Has everything been  
02:31PM 19 pulled? So, ministerial is finding. Redacting, I agree, is  
02:31PM 20 deliberative. But have you pulled all of this?

02:31PM 21 MR. QUINN: We've not pulled all of it. We have  
02:31PM 22 pulled some of it. For instance, the, I believe, 36  
02:31PM 23 identified dates, we did pull that and we would have to go  
02:31PM 24 through it still, but some of it still would have to be pulled  
02:31PM 25 depending on how things went.



02:31PM 1 As to Mr. Charney's other point, he's correct. When we  
02:31PM 2 print them out -- and this is still the case because the  
02:31PM 3 recent production was in the same manner -- when they print it  
02:31PM 4 out, it does cut off part of the document. I haven't figured  
02:31PM 5 out a way around that. I will work with staff at the police  
02:32PM 6 department to see if there is a way to save it to PDF. That's  
02:32PM 7 what I've been doing with the emails and that seems to be  
02:32PM 8 agreeable. The plaintiffs seem to be agreeable to that. I  
02:32PM 9 will try to do that.

02:32PM 10 I've tried to do that in the past and I've been told that  
02:32PM 11 if someone who doesn't have the certain access is -- tries to  
02:32PM 12 do it, they're not able to. They have to print to screen and  
02:32PM 13 then paste it in a different document. I'll try to see if I  
02:32PM 14 can find that right person who does have that access can save  
02:32PM 15 to PDF for all the specific things that Mr. Charney  
02:32PM 16 identified.

02:32PM 17 Again, it wasn't intentional that this happened, but this  
02:32PM 18 is just the way that all the documents were produced and the  
02:32PM 19 only -- that we have previously known how, but we will try  
02:32PM 20 to -- if the Court advises, we will try to find a way around  
02:32PM 21 that.

02:32PM 22 THE COURT: So, I am going to order it, not just  
02:32PM 23 advise. And people, you know -- as you well know, task their  
02:32PM 24 clients you have to get this. And you have to -- it's got to  
02:33PM 25 be an un-cut off document. You're familiar with your system.

02:33PM 1 You figure it out. But that's what I need from you. And  
02:33PM 2 we're at that stage. So, you know, if you ask me how to print  
02:33PM 3 off something that is, you know, 11 by 14, I would turn to  
02:33PM 4 somebody and say, you do it because I could spend hours  
02:33PM 5 fooling around with that.

02:33PM 6 So, it's time to get somebody at the -- you know, from  
02:33PM 7 your client who knows how to do it to get involved. How soon  
02:33PM 8 can we clean up this particular issue in light of your  
02:33PM 9 statement that you thought you were pretty close on this?

02:33PM 10 MR. QUINN: The redaction, if it is everything, the  
02:33PM 11 redaction would take some time. I think if the Court orders  
02:33PM 12 that everything be produced as they've asked, I think 30 days.  
02:33PM 13 I could try to have it sooner, but we have done some of it and  
02:33PM 14 it was something we've been working on the whole time.

02:34PM 15 THE COURT: All right. How about 45 days from today  
02:34PM 16 and that's a real deadline?

02:34PM 17 MR. QUINN: That's fine.

02:34PM 18 THE COURT: If you can't meet it, there has to be a  
02:34PM 19 reason and the reason has to be provided to plaintiffs and the  
02:34PM 20 Court.

02:34PM 21 MR. QUINN: That's okay by me, Judge. Thank you.

02:34PM 22 THE COURT: Okay. Employment history. And here's  
02:34PM 23 what I would suggest with regard to this. This comes up  
02:34PM 24 fairly frequently and some of it is completely extraneous  
02:34PM 25 information about Officer Farquad's (phonetic) pension plan or

02:34PM 1 something that has nothing to do with this case. I suggest we  
02:34PM 2 tag employment history to depositions and that the documents  
02:35PM 3 related to disciplinary complaints or bonuses for Strike Force  
02:35PM 4 activity or something other than just saying we want  
02:35PM 5 employment history for the following people. Let's hear from  
02:35PM 6 plaintiffs first about this issue.

02:35PM 7 MS. WILNER: Thank you, Your Honor. Employment  
02:35PM 8 history in the context of this case is actually asking not for  
02:35PM 9 a blanket employment history of every officer, but for one  
02:35PM 10 specific piece of information for a few identified officers.  
02:35PM 11 And the specific information is the time periods in which  
02:35PM 12 those police officers were employed and working for the Strike  
02:35PM 13 Force and/or the Housing Unit and in some cases, the Traffic  
02:35PM 14 Unit.

02:35PM 15 The reason for this is that plaintiffs have contracted an  
02:35PM 16 expert who will be conducting a statistical analysis of the  
02:36PM 17 ticketing patterns. And the statistical analysis involves  
02:36PM 18 comparing tickets issued by Strike Force and housing officers  
02:36PM 19 with tickets issued by other units and the Traffic Unit is  
02:36PM 20 particularly relevant. And in order to conduct that  
02:36PM 21 statistical analysis, we need to be able to identify what unit  
02:36PM 22 an officer was in at the time the ticket was issued.

02:36PM 23 Unfortunately, we have very detailed data about tickets,  
02:36PM 24 but that one field that indicates the unit -- the officer  
02:36PM 25 unit -- is really not very well filled in in our data. And

02:36PM 1 so, that's why we need this employment information.

02:36PM 2 THE COURT: If it was -- the ticket itself, does your  
02:37PM 3 database indicate that in this regard?

02:37PM 4 MS. WILNER: We have, for each ticket, the name of  
02:37PM 5 the officer who issued it and the date and time and location  
02:37PM 6 of the ticket. We just don't have what unit that officer was  
02:37PM 7 part of. And we had --

02:37PM 8 THE COURT: I find that's relevant. So, I assume --  
02:37PM 9 unfortunate, but you can do it in a back end of the  
02:37PM 10 information looking at from the tickets issued, correct or --  
02:37PM 11 2012, that there are 10 officers, 10 disputed officers that  
02:37PM 12 are issuing tickets in this relevant particular geographic  
02:38PM 13 area. I can make an assumption that those 10 people were  
02:38PM 14 employed in a unit that was deployed there during that time  
02:38PM 15 period. Is that not possible?

02:38PM 16 MS. WILNER: Well, the Strike Force and the Housing  
02:38PM 17 Unit were roving units that worked in different areas  
02:38PM 18 throughout the city. And so, they would overlap with the  
02:38PM 19 geographic unit officers.

02:38PM 20 If I may, I don't know if it might help to look at  
02:38PM 21 Exhibit 14, which is the spreadsheet that we sent to the  
02:38PM 22 defendants to ask them to fill in the missing transfer  
02:38PM 23 information. It's a really extremely narrow request at this  
02:38PM 24 point, because after the first motion to compel, defendants  
02:38PM 25 did provide a series of transfer orders. We did use the

02:38PM 1 transfer orders to identify all the dates that we could. And  
02:39PM 2 so, the dates that weren't identifiable through the transfer  
02:39PM 3 order is what we have asked the defendants to provide. And  
02:39PM 4 you know, I think that much of this information may be  
02:39PM 5 identifiable simply by asking the officers or their commanding  
02:39PM 6 officers who may know when the officer transferred in and out  
02:39PM 7 of the unit. I don't even know if that inquiry has been made.

02:39PM 8 THE COURT: Okay. So if you depose somebody, you  
02:39PM 9 could ask for their CV or their resume and you would have that  
02:39PM 10 information that way, correct?

02:39PM 11 MS. WILNER: It's possible. I don't know if an  
02:39PM 12 officer moved like say, from the D District to the Strike  
02:39PM 13 Force and then back to the D District, I don't know if their  
02:39PM 14 CV or resume would say when they were in a particular unit,  
02:39PM 15 but it's not a large number of officers that we're looking for  
02:40PM 16 this information for.

02:40PM 17 I would say there are roughly -- just looking -- 40  
02:40PM 18 officers when we're looking for either a date that they  
02:40PM 19 transferred out of or a date that they transferred into a  
02:40PM 20 particular unit. And for most of those officers, we have one  
02:40PM 21 of the dates but not the other. So, it's a very limited  
02:40PM 22 inquiry, but it is important for a statistical analysis.

02:40PM 23 THE COURT: And do I have right that one of -- the  
02:40PM 24 transfer out is not reported. They do keep track of  
02:40PM 25 transferring in but not transferring out?

02:40PM 1 MS. WILNER: I believe that that's the case in  
02:40PM 2 transfer orders. They -- I believe -- and Mr. Quinn would  
02:40PM 3 have a better sense of this, but they do have unit rosters.  
02:40PM 4 So, there is other information within the police department  
02:40PM 5 that would say, you know, where an officer was working at this  
02:40PM 6 time.

02:41PM 7 And let me also add that in previous discussions --  
02:41PM 8 because we've been discussing this for over a year --  
02:41PM 9 Mr. Quinn had assured us that he was working on this, that he  
02:41PM 10 would be able to provide the information next week, that they  
02:41PM 11 had almost all of it, they were just finishing reviewing the  
02:41PM 12 documents. And so, I am not certain even how much more work  
02:41PM 13 remains to be done, but it is both extremely important to us  
02:41PM 14 and very limited in what we have asked to be provided.

02:41PM 15 THE COURT: Okay. Let's hear from Mr. Quinn.

02:41PM 16 MR. QUINN: So, on this specific issue Judge, the  
02:41PM 17 problem really is that we've turned over the documents that  
02:41PM 18 would give you the best idea of the specific date that someone  
02:41PM 19 came in or left. With regard to leaving, it doesn't identify  
02:41PM 20 that you're going from X to Y, it just says you're going to Y.  
02:41PM 21 So, it's difficult to sort of backtrack that.

02:42PM 22 We have tried to look through daily reports to figure out,  
02:42PM 23 you know, did an officer work on this date and when was the  
02:42PM 24 last day that he shows up as working on the Strike Force  
02:42PM 25 before going somewhere else. The problem is, it's difficult

02:42PM 1 to nail down a date with any type of precision. So, while I'm  
02:42PM 2 willing to work with the plaintiffs, I do think depositions  
02:42PM 3 would be the best way to do it. And maybe someone would be  
02:42PM 4 able to come in and say, you know, I remember a specific date  
02:42PM 5 that someone came in or someone left or something like that.  
02:42PM 6 I don't know how precise I can get this beyond what has  
02:42PM 7 already been provided.

02:42PM 8 THE COURT: So, here's some push back. It looks to  
02:42PM 9 me from the correspondence that you thought you could provide  
02:42PM 10 this and this wouldn't be that problematic. Plaintiffs say  
02:42PM 11 it's only one category of that and that's a really narrow  
02:43PM 12 request. There has to be an answer at this point, I can  
02:43PM 13 provide it or I can't provide it. Agreed?

02:43PM 14 MR. QUINN: Mostly, yes. Like I said, it is just the  
02:43PM 15 specific issue of precision. So, I can say the last day we  
02:43PM 16 have an officer being -- you know, being noted in the records  
02:43PM 17 as working for Strike Force is October 25th, but does that  
02:43PM 18 mean that he didn't work another day or that he didn't, you  
02:43PM 19 know, he wasn't just there on that day visiting and he had  
02:43PM 20 previously left, you know, six months before and was just  
02:43PM 21 picking up an extra shift or something like that? That's the  
02:43PM 22 only push back I have.

02:43PM 23 Like I said, we've been trying to work on this and I  
02:43PM 24 can -- I guess I could provide an explanation as to that is  
02:43PM 25 that, you know, on October 24th, this person worked the shift

02:43PM 1 for Strike Force and we don't have them working another shift  
02:43PM 2 after that, but I just -- I only hesitate because I don't know  
02:44PM 3 that that would give them the exact information that they are  
02:44PM 4 looking for, because I don't know that I can give it.

02:44PM 5 THE COURT: Okay. Well, sometimes people can't  
02:44PM 6 provide, you know, the exact information and they then have a  
02:44PM 7 duty under the discovery rules to provide as much information  
02:44PM 8 as they can.

02:44PM 9 So, I'm not going to require you to say or certify that  
02:44PM 10 this is the last day somebody worked if you don't have that  
02:44PM 11 information. You should provide the information that's  
02:44PM 12 readily available, as our records go up to October 25th, 2013  
02:44PM 13 and we don't see that person again, then they can depose  
02:44PM 14 whoever they choose and follow up. And I would hope that the  
02:44PM 15 person would have some personal understanding of whether he or  
02:44PM 16 she worked at different locations, but we can get past this  
02:44PM 17 issue. How long would it take you to do that?

02:44PM 18 MR. QUINN: That would probably take -- because we've  
02:44PM 19 done most of the work already, it is largely ministerial.  
02:45PM 20 That would take, at the most, 30 days.

02:45PM 21 THE COURT: All right. And let me hear from  
02:45PM 22 plaintiffs. Would that advance the ball enough for you in  
02:45PM 23 light of the fact that if they don't have it, they just don't  
02:45PM 24 keep information that particular way, there's no sense in us  
02:45PM 25 going around and around. And you are going to have an



02:45PM 1 independent source, which is the person himself or herself, to  
02:45PM 2 answer in a deposition.

02:45PM 3 MS. WILNER: I think we would like to take the best  
02:45PM 4 information that they have, but I would like to speak to the  
02:45PM 5 deposition issue, because there are approximately 40, maybe  
02:45PM 6 more, officers for which we need a small piece of  
02:45PM 7 information -- the best information possible -- about when  
02:45PM 8 they began or ended working in a particular unit. Now, I  
02:45PM 9 don't think that we actually need to take depositions of all  
02:45PM 10 of those officers --

02:45PM 11 THE COURT: Why couldn't you do that --

02:46PM 12 MS. WILNER: -- limited to 20 depositions  
02:46PM 13 initially --

02:46PM 14 THE COURT: Let me stop you. Why can't you do that  
02:46PM 15 now in a request to admit Officer Patterson had his last shift  
02:46PM 16 on X force on October 15th, 20-whatever? And then Mr. Quinn  
02:46PM 17 goes to the officer and I have got to admit this or deny this.  
02:46PM 18 Yes, that's right. Why wouldn't that get you there cheaply,  
02:46PM 19 quickly and about as solidly an answer as you possibly can  
02:46PM 20 get?

02:46PM 21 MS. WILNER: Well, we could try that. We did pose it  
02:46PM 22 as an interrogatory. It wasn't a request for documents. And  
02:46PM 23 so, I do think that Mr. Quinn could -- has the responsibility  
02:46PM 24 to speak to the officers and see if he can uncover some of  
02:46PM 25 this information from them. And I think it makes more sense

02:46PM 1 for him to speak to this limited number of officers and  
02:46PM 2 provide the best information that he can as opposed to  
02:47PM 3 requiring us to take 40 depositions just to know the dates of  
02:48PM 4 their employment, when the dates of their employment is. It's  
02:48PM 5 important to our statistical analysis, but it's not -- some of  
02:48PM 6 these officers may be important for us to take depositions of,  
02:48PM 7 you know, for other reasons, but likely not all of them.

02:48PM 8 THE COURT: Okay. Well, it doesn't sound to me like  
02:48PM 9 depositions are actually the least expensive way to go about  
02:48PM 10 this. Mr. Quinn tells me in 30 days he can give you the best  
02:48PM 11 information that he has on this issue. I'm going to order it.  
02:49PM 12 I'm not going to order him to do something he can't do. If  
02:49PM 13 you decide you want to follow up with request to admit to get  
02:49PM 14 a yes, no, thumbs up, thumbs down, that's your choice. But  
02:49PM 15 information is going to be provided to you in due course,  
02:49PM 16 okay?

02:49PM 17 MS. WILNER: That sounds good. Thank you, Your  
02:49PM 18 Honor.

02:49PM 19 THE COURT: So, let's move on to the next issue which  
02:49PM 20 is the CCRCR complaints. And at this point, the defendants  
02:49PM 21 have said they are not aware of any responsive documents at  
02:49PM 22 this time. And the plaintiffs push back and say, it looks  
02:49PM 23 like you've only looked in paper form. So, with regard to  
02:49PM 24 this issue, are we at the declaration point, should it be  
02:50PM 25 added to Mr. Quinn's list of things to tell us yes, this

02:50PM 1 exists, no, it does not and I'm going to start with Mr. Quinn  
02:50PM 2 this time.

02:50PM 3 MR. QUINN: This is one where we did feel it was a  
02:50PM 4 little premature and it is because of my explanation. We've  
02:50PM 5 searched all places where we knew documents were. That  
02:50PM 6 included -- and I believe I put this in the affidavit reaching  
02:50PM 7 out to the current head. The current head is also working  
02:50PM 8 from home.

02:50PM 9 I have not eliminated the possibility that additional  
02:50PM 10 documents exist. I do need some time to do that, and that was  
02:50PM 11 where we were when this motion was made. I believe we have  
02:50PM 12 searched diligently. This has really been impacted by the  
02:50PM 13 COVID thing because it was a relatively new person at the head  
02:50PM 14 of this organization or entity or whatever it is and they just  
02:50PM 15 were unfamiliar with it. And then we had, unfortunately,  
02:50PM 16 people leaving and trying to work from home. So this, I do  
02:51PM 17 want to continue searching.

02:51PM 18 THE COURT: Is there a complainants database?

02:51PM 19 MR. QUINN: I'm sorry, what is that, Judge?

02:51PM 20 THE COURT: Is there a complainants database?

02:51PM 21 MR. QUINN: I don't believe so.

02:51PM 22 THE COURT: Okay.

02:51PM 23 MR. QUINN: My understanding is all the records were  
02:51PM 24 kept in paper form.

02:51PM 25 THE COURT: All right. Because the plaintiffs say

02:51PM 1 that what you have produced refers to a complainants database,  
02:51PM 2 which doesn't have to be electronic. It could be paper.  
02:51PM 3 Okay. All right. So, how much time do you need to do what  
02:51PM 4 you need to do; either to produce a declaration that says I  
02:51PM 5 don't have it, or to finish your search and be able to just  
02:51PM 6 answer, this is what I have and what I don't have in light of  
02:51PM 7 your representation that this is under way?

02:51PM 8 MR. QUINN: For this specific one and given sort of  
02:51PM 9 our growing list of commitments, I probably would ask for  
02:52PM 10 60 days to do this one, Judge, just because it might be that I  
02:52PM 11 can -- that the government -- could say no additional  
02:52PM 12 documents exist, but I want to make sure I have searched all  
02:52PM 13 the places that I can and I don't -- we're not at the point  
02:52PM 14 where I can say I know it would be here, I know it would be  
02:52PM 15 there. This is just an entity that we're trying to work  
02:52PM 16 through figuring out where all possible things could be. So,  
02:52PM 17 I think 60 days would be better for us for this.

02:52PM 18 THE COURT: Let me hear from the plaintiffs on this  
02:52PM 19 issue.

02:52PM 20 MR. CHARNEY: Yes, Your Honor. I think 60 days seems  
02:52PM 21 a little long for us. I understand Mr. Quinn's limitations  
02:52PM 22 and the challenges he's working with in terms of other  
02:52PM 23 agencies. I just would note for the record that, you know, we  
02:52PM 24 originally requested these materials in August of 2019, which  
02:52PM 25 was obviously seven months before pandemic. So, I think, you

02:52PM 1 know, we still have a question as to why the search wasn't  
02:52PM 2 made before then but, you know, we are where we are but, you  
02:53PM 3 know, I do agree that there needs to be a court-imposed  
02:53PM 4 deadline about when Mr. Quinn will complete his search.  
02:53PM 5 And the only other thing I'd mention is, you know, again, the  
02:53PM 6 documents he has produced, there is a record we attached as an  
02:53PM 7 exhibit to our motion in which the commission itself in one of  
02:53PM 8 its meetings does discuss the complainant database.

02:53PM 9 The last thing I would mention is that if you look at the  
02:53PM 10 spreadsheet of the IAD files that we also attached, it does  
02:53PM 11 make reference to, I believe, one of two complainants that  
02:53PM 12 were referred from this commission to Internal Affairs. So,  
02:53PM 13 that would suggest that, you know, the commission that does  
02:53PM 14 have some record of at least a few complaints that are  
02:53PM 15 irrelevant.

02:53PM 16 THE COURT: Okay. Sixty days is the deadline.  
02:53PM 17 Either there's a production or there's a certification that  
02:53PM 18 nothing exists. Next category, fourth set of RFPs and RFP 76  
02:54PM 19 and I am going to start with plaintiffs on this issue.

02:54PM 20 MR. JOACHIM: Yes, Your Honor. So, we served the  
02:54PM 21 fourth RFPs about seven months ago. RFP 76 was served in  
02:54PM 22 August 2019. And to our understanding, defendants have not  
02:54PM 23 produced any documents in response to these. They have made  
02:54PM 24 conclusory objections. They have advised us that they are  
02:54PM 25 searching for documents and that they would tell us when those

02:54PM 1 searches are complete, but we have not heard anything further  
02:54PM 2 from them on that, despite us following up a number of times.  
02:55PM 3 And Your Honor just, at this point, we just need defendants to  
02:55PM 4 produce these documents because we don't think they've  
02:55PM 5 asserted any valid objections.

02:55PM 6 THE COURT: Let's hear from the defendants.

02:55PM 7 MR. QUINN: So, for this one, I don't believe we have  
02:55PM 8 actually met and conferred. Plaintiffs characterize our  
02:55PM 9 objections as boilerplate. I provided our objections and I  
02:55PM 10 also provided my affirmative attempts to say, here are the  
02:55PM 11 issues we have with these objections in an email sent that  
02:55PM 12 same day, which has never really been responded to. So, I  
02:55PM 13 mean, it's tough to address these -- this part of the motion,  
02:55PM 14 because they never really tried to work with us to figure out  
02:55PM 15 what is the issue.

02:55PM 16 We believe our objections are valid and we go through that  
02:55PM 17 for all those reasons in our opposition to their motion. I  
02:55PM 18 mean, if there are specific issues they want to work through  
02:55PM 19 or things that they want to identify as to what they are  
02:56PM 20 looking for and why they need it, I'm happy to do that, but I  
02:56PM 21 don't believe they've done that yet.

02:56PM 22 THE COURT: All right. When I hear fourth set of  
02:56PM 23 request to produce, that's a lot of discovery. So, this is a  
02:56PM 24 big case, it's an important case, but that's a lot of requests  
02:56PM 25 as well. And I do want you to work through this and pick off

02:56PM 1 the ones that you can resolve easily between the two sides and  
02:56PM 2 narrow for me the ones that you cannot. And I will consider  
02:56PM 3 this kind of the crux of the motion to compel.

02:56PM 4 And keep in mind that the Federal Rules of Civil Procedure  
02:56PM 5 indicate that the parties -- the Court shall order attorneys  
02:56PM 6 fees if the opposition or the request is not well-grounded.  
02:57PM 7 So, I want you to took a hard look at what you've asked for  
02:57PM 8 and I want you to take a hard look at what you have answered.  
02:57PM 9 And I want you to bring to me only what you truly cannot  
02:57PM 10 resolve yourselves.

02:57PM 11 So, I'm envisioning I would be looking at a handful of  
02:57PM 12 these production requests and I would be able to say to myself  
02:57PM 13 clearly not covered by any prior request, clearly within the  
02:57PM 14 scope of discovery, clearly insufficient answers. It's  
02:57PM 15 inconceivable that it wouldn't exist. And I think that alone,  
02:57PM 16 that process, is going to narrow them, because I'm having a  
02:57PM 17 hard time envisioning that you get to your fourth set and  
02:57PM 18 you're missing crucial documents for your case when there are  
02:58PM 19 an abundance of experienced counsel for the plaintiffs.

02:58PM 20 And so, you know, I want to make sure that if I'm going to  
02:58PM 21 be resolving a discovery dispute, it's a real one, it's  
02:58PM 22 important to the case, the objections are baseless and I  
02:58PM 23 should be ordering or granting a motion to compel, denying a  
02:58PM 24 motion to compel and awarding attorneys' fees. So, I'm going  
02:58PM 25 to give you 60 days for that process. It's not going to hold

02:58PM 1 up any other processes, but I want you to have those  
02:58PM 2 discussions. And I say it as a compliment to your bilateral  
02:58PM 3 professionalism that I actually think it will work to some  
02:58PM 4 extent. Sometimes, I send parties out to discuss something  
02:58PM 5 and I know they're going to come back with the same thing I  
02:58PM 6 sent them out to discuss. I don't think that's the case here.

02:58PM 7 So, 60 days to narrow for the Court things that you truly  
02:59PM 8 need me to rule on with regard to the request for production  
02:59PM 9 of documents. And then I'm going to defer ruling on an award  
02:59PM 10 of attorneys' fees and expenses at this point in time. You  
02:59PM 11 have heard my warning and that's what the federal rules talk  
02:59PM 12 about in terms of whether or not you order attorney fees and  
02:59PM 13 whether or not the Judge made it clear to parties we're moving  
02:59PM 14 forward.

02:59PM 15 I'm looking for good faith, reasonable disputes. And if  
02:59PM 16 somebody is stalling or asking for things that they don't  
02:59PM 17 need, I will be able to see it at this point. Any reason why  
02:59PM 18 that approach won't work?

02:59PM 19 MR. CHARNEY: No reason from plaintiffs.

02:59PM 20 MR. QUINN: That sounds completely reasonable to me,  
02:59PM 21 Judge. Thank you.

02:59PM 22 THE COURT: All right. That's what I had. Am I  
02:59PM 23 missing anything?

02:59PM 24 MR. CHARNEY: Maybe one other -- I don't know if this  
03:00PM 25 falls within the meeting to defer on the other document



03:00PM 1 request, but I know Ms. Wilner was prepared to discuss the  
03:00PM 2 thing regarding the ECAC documents, but that may fall under  
03:00PM 3 this, but I'll let Ms. Wilner answer that one.

03:00PM 4 MS. WILNER: I think that would fall under those were  
03:00PM 5 part of the fourth set of RFPs. And so, we can have a more  
03:00PM 6 specific discussion that the Court ordered.

03:00PM 7 THE COURT: Any other things from the defendants'  
03:00PM 8 perspective that I did not address?

03:00PM 9 MR. QUINN: I don't believe so, Judge. The only  
03:00PM 10 thing on the depositions, there has been one deposition  
03:00PM 11 conducted already. Is it 20 in addition to that or is it 19?  
03:00PM 12 What is the specific --

03:00PM 13 THE COURT: Twenty now. So, the one counts. And  
03:00PM 14 then, we're going to circle back around and come up with what  
03:00PM 15 happens next.

03:00PM 16 MR. QUINN: That sounds fine with me. I will note  
03:01PM 17 that there was a fifth notice to produce and a third set of  
03:01PM 18 interrogatories that we responded to last week and I think we  
03:01PM 19 might have to work through those. We're not at that point  
03:01PM 20 yet, but we have responded to those, so that's another thing  
03:01PM 21 that is out there.

03:01PM 22 THE COURT: Okay. I'll keep track of this case. You  
03:01PM 23 have your deadline. I was not planning on issuing a written  
03:01PM 24 order. If you need one, it will be found in the transcript.  
03:01PM 25 Anybody not clear as to how the Court has ruled, needs

03:01PM 1 clarification at this point or is it abundantly clear what's  
03:01PM 2 expected of everybody at this point? And we'll start with the  
03:01PM 3 plaintiff.

03:01PM 4 MR. CHARNEY: Yes, Your Honor. Fair to us.

03:01PM 5 THE COURT: Mr. Quinn?

03:01PM 6 MR. QUINN: Yes, I think so, Judge. Thank you.

03:01PM 7 THE COURT: And that was the right answer for both of  
03:01PM 8 you, so that's good. All right. Thank you for your courtesy  
03:02PM 9 and your professionalism. You are free to leave this meeting  
03:02PM 10 now.

03:02PM 11 MR. QUINN: Thank you, Judge. Thanks everybody.

03:02PM 12 MS. WILNER: Bye.

03:02PM 13 MR. JOACHIM: Thank you.

03:02PM 14 (Proceedings concluded at a.m. p.m.)  
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CERTIFICATE OF TRANSCRIBER

In accordance with 28, U.S.C., 753(b), I certify that this is  
a true and correct record of the proceedings held in the  
United States District Court for the Western District of New  
York before Judge Christina Reiss, on December 14th, 2020.

s/ Megan E. Pelka, RPR

Megan E. Pelka, RPR

Transcriber